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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,023	02/10/2004	Jonathan Lee	ZIL-571	2217
47713	7590	10/04/2006	EXAMINER	
IMPERIUM PATENTENT WORKS			HOLLOWAY III, EDWIN C	
P.O. BOX 587			ART UNIT	PAPER NUMBER
SUNOL, CA 94586			2612	

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,023

Applicant(s)

LEE ET AL.

Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) ✓
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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EXAMINER'S RESPONSE

1. In response to the application filed 2-10-04, the application has been examined. The examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 102 & 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1, 3-6, and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris (US 2001/0033243) in combination with Sato (US006408435B1).

Regarding claims 1, 3-6, and 17-21, Harris discloses a method, computer readable medium and system for downloading configuration data to a universal remote control unit. A hypertext web page with indication of selection criterion (fig. 12) is transmitter from a server to a client running a web browser. The user inputs selection criterion that is sent back to the server/control station that stores a database of criterion and configuration information. The server transmits plural configuration data for the selected criterion to the client and the client loads the configuration data into the universal remote. See paragraphs 0067-0075 and 0083-0087. Harris differs from the claims by not specifying the configuration data as codesets of a group.

Sato discloses a similar Internet downloaded programmable remote control with similar selection and providing download of codesets from a group from a sever over the internet using hypertext to allow control of plural registered devices. See cols. 5-9. The code data in fig. 9 represents plural groups.

Regarding claims 1, 3-6, and 17-21, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to have included in Harris codesets from a group or groups as disclosed in Sato to allow control of plural devices.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris (US 2001/0033243) and Sato (US006408435B1) as applied above and further in view of Tessier (US 5629868).

Tessier discloses a programming remote control that can download all the codes of a group in col. 6.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above the downloading of all the codes of a group disclosed in Tessier to allow the remote to scan all codes to detect a proper code for an appliance.

6. Claims 7-13 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris (US 2001/0033243) and Sato (US006408435B1) as applied above and further in view of Darbee (US005228077A) and/or Huang (US006640144B1).

Darbee discloses a remotely upgradeable universal remote control. Upgrading or programming includes writing instructions and code data to RAM received from a remote source. The instructions include a signal engine for transmitting the code data. The code data includes plural protocols / schemes

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with strings of timing information. This provides updating of the remote control software for new equipment. See cols. 8-10. Huang provides similar programmable remote with downloading of executable instructions and command codes sets from a library in cols. 1-2.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above the downloading of timing strings and signal engine as disclosed in Darbee and/or Huang to update remote control software for new equipment.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Croy (US006040829A) and Allport (US006104334A) disclose universal remotes with codeset and software/firmware updates.

CONTACT INFORMATION

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 571-272-4100 or toll free at 1-866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at ebc@uspto.gov. The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications.

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Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (571) 272-2600. Facsimile submissions may be sent via central fax number 571-273-8300 to customer service for entry by technical support staff. Questions related to the operation of the facsimile system should be directed to the Electronic Business Center.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308.

EH
10/1/06


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
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